

EXHIBIT 28

In the Matter Of:

HENRY v

BROWN UNIVERSITY

KIM DOWNS-BURNS

March 05, 2024



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2 Q When did you first start working
3 at Middlebury College?

4 A Almost 18 to 19 years ago. I
5 can't remember the exact.

6 Q What was your initial position
7 at Middlebury?

8 A I was hired as director of
9 student financial services. Pretty sure
10 that was the title, yes.

11 Q And what were those general
12 responsibilities as director of student
13 financial services?

14 A Bringing together the Financial
15 Aid Office, Bursar Office, student accounts
16 cashier, managing them.

17 Q And how long did you hold that
18 position?

19 A Until I was promoted. I can't
20 recall the date or the year. I can't
21 recall right now.

22 Q Were you the director of student
23 financial services for a period of a few
24 years at least?

25 A Yes, yes.

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2 Q Then you said you were promoted?

3 A Yes.

4 Q And you were promoted to what
5 position?

6 A Associate vice-president for
7 student financial services.

8 Q And has your position changed
9 since you became the associate vice provost
10 for student financial services?

11 A Associate vice-president.

12 Yes, I was just promoted over
13 the last six months to vice president of
14 student financial services and institute
15 enrollment or graduate enrollment.

16 Q When you were promoted to
17 associate vice-president of student
18 financial services, do you recall how your
19 responsibilities changed?

20 A I can't tie it to that exact
21 time, but I took over PCI compliance. So I
22 recall a few responsibilities.

23 Q What is PCI compliance?

24 A Payment card industry.

25 Q And what does that entail?

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2 week, but okay.

3 Q When you joined Middlebury, was
4 the school a member of the 568 Group?

5 A Yes.

6 Q And did you come to play any
7 role with respect to the 568 Group while
8 you were at Middlebury?

9 A Yes.

10 Q Do you recall whether you played
11 a role with respect to the Technical
12 Committee?

13 A I did.

14 Q And what role did you play?

15 A I served on the Technical
16 Committee and then I became Chair of the
17 Technical Committee.

18 And I'm not sure what year. I
19 didn't look at any of this. So, yeah.

20 Q And what were your
21 responsibilities as Chair of the Technical
22 Committee?

23 A Calling the group together for
24 meetings.

25 You know, it was managing the

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2 pay.

3 Q Did you have any understanding
4 during your time on the Technical Committee
5 as to whether the 568 schools were using
6 the consensus methodology?

7 MS. HOECHST: Object to form.

8 You can answer.

9 A So, I'm sorry, so I heard --
10 could you repeat the question one more
11 time? I want to make sure.

12 Q Sure.

13 It was, did you have any
14 understanding during your time on the
15 Technical Committee as to whether the 568
16 schools were using the consensus
17 methodology?

18 MS. HOECHST: Same objection.

19 A So we -- we don't know what
20 every school -- what each school is doing.
21 I know what Middlebury was doing at the
22 time the group was in place. The only
23 requirement was to be need-blind.

24 So schools -- again, schools
25 could do what they want if they were

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2 need-blind for admission.

3 Q Are you saying you didn't have
4 any understanding one way or the other as
5 to whether the 568 schools were using the
6 consensus methodology?

7 A I absolutely --

8 MR. KUTCHER: Object to the
9 form.

10 A -- don't know --

11 MS. HOECHST: You can finish
12 your answer.

13 A Sorry, I absolutely don't know
14 what individual schools that were member
15 schools were using -- were doing. This was
16 completely -- schools need to do what they
17 can.

18 So, no, I did not know what any
19 one school was doing.

20 Q Apart from Middlebury, I take
21 it?

22 A Well, Middlebury, yeah.

23 Q I take it you were the point
24 person for handling media inquiries
25 regarding certain aspects of the 568 Group?